IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.5521 OF 2004
WITH
CIVIL APPLICATION NO.2530 OF 2004

Mr. S.M. Mushrif. ...Petitioner.
Vs.
The State of Maharashtra & Ors. ...Respondents.
....
Mr. K.K. Singhvi, Sr. Advocate with Mr. M.L. Patil for the Petitioner.
Mr. V. A. Thorat, Advocate General with Mr. R.D. Rane, Addl. G.P. for Respondent No.1 to 9, 13 and 14.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

October 15, 2004.

P.C.:

The petitioner belongs to the Indian Police Service Cadre which is governed by the All India Services Act, 1951 and the Rules framed thereunder. The petitioner was working as Deputy Inspector General of Police. According to him he ought to have been considered for the promotion of Inspector General of Police which has been denied to him. The petitioner approached the Central Administrative Tribunal. The Central Administrative Tribunal, by its order dated 5th December 2003 did not decide the

material controversy involved in the case and observed that the High Court has constituted the S. I. T. and is monitoring the entire Telgi Scam. Therefore, “under the circumstances we do not feel that we are in a position to grant any relief to the Applicant.”

2. The grievance of the petitioner is predominantly regarding his promotion to the post of Inspector General of Police. In the facts and circumstances of the case, while setting aside the order passed by the Tribunal, we direct the Tribunal to decide this case afresh after hearing the parties. The matter has been pending before the Tribunal for quite some time. Therefore, we deem it appropriate to direct the Tribunal to decide the matter as expeditiously as possible, without being influenced by the observations made in the impugned order.

3. We direct the parties to appear before the Central Administrative Tribunal on 21st October 2004.

4. The learned counsel appearing for the petitioner is directed to give notices to all the parties indicating that the matter is listed before the Central Administrative Tribunal on 21st October

2004 for directions.

5. The writ petition is accordingly disposed of.

6. In view of the disposal of the writ petition, the Civil Application does not survive, which is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.